

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

LELAND FOSTER,

Plaintiff,

CASE NO. 3:15-CV-263

vs.

Hon. Judge Walter H. Rice

MERCER HOSPITALITY, LLC,
An Ohio Corporation for Profit
DBA La Quinta Inn,
Defendant.

ORDER GRANTING DEFAULT JUDGMENT

THIS CAUSE having come on to be heard before me on Plaintiff's Motion for Default Judgment, after the Clerk's Entry of Default, in accordance with Federal Rule of Civil Procedure 55(b)(2), and the Court being fully advised in the premises, it is hereby **ORDERED AND ADJUDGED** as follows:

1. Plaintiff's Motion for Default Judgment is **GRANTED**, as Defendant is found to be in violation of Title III of the Americans with Disability Act and Ohio's Non-Discrimination Statute by denying Plaintiff, as well as other individuals similarly situated, equal accommodation to its place of public accommodation as a hotel;
2. Plaintiff is awarded damages in the amount of \$25,000.00 in accordance with ORC 4112.99 and Federal Rule of Civil Procedure 55(b)(2);
3. Defendant Mercer Hospitality, Inc. DBA La Quinta Inn ("Mercer Hospitality") is hereby **ORDERED** to become compliant with Title III of the Americans with Disability Act by modifying and/or replacing any and

all deficiencies to its place of public accommodation within 6 months from the date of this Order as specified in Plaintiff's Complaint;

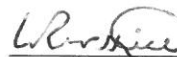
4. Mercer Hospitality is **ORDERED** to be immediately closed and shall not be permitted to engage in any operations until it has fully remedied the non-compliance with the ADA and Ohio law, as stated in Plaintiff's Complaint, which is adopted here by reference;
5. Further, Mercer Hospitality shall not engage in any operations until it has fully remedied the stated violations and until it has paid Plaintiff his damages in the amount of \$25,000.00 plus his attorney fees, costs, and expenses, in the amount of \$14,166.98, for a total damage award to Plaintiff of \$39,166.98;
6. This Court retains jurisdiction to effectuate the contents of this Order.

DONE AND ORDERED in Chambers, on this 7th day of

December, 2015.

Owen B. Dunn, Jr.
Matthew B. Bryant
Co-Counsels for Plaintiff

Mercer Hospitality, Inc.
C/O Jashoda Patel, Registered Agent
1944 Miamisburg Centerville Road
Dayton, OH 45459



Honorable Walter H. Rice